

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EVERLIGHT ELECTRONICS CO., LTD.,  
and EMCORE CORPORATION,

Plaintiffs and  
Counter-Defendants,

Civil Action No.12-cv-11758  
HONORABLE GERSHWIN A. DRAIN

v.

NICHIA CORPORATION, and  
NICHIA AMERICA CORPORATION,

Defendants and  
Counter-Plaintiffs,

v.

EVERLIGHT AMERICAS, INC.,

Defendant.

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**ORDER CONCERNING PHONE CONFERENCE AND FOR FACILITATION AND  
RESCINDING ORDER FOR CASE EVALUATION**

On March 10, 2014, the parties appeared by telephone for a status conference concerning the parties' proposed stipulated order severing and staying the claims, defenses and counterclaims related to the '215 Patent. At the conference, the parties discussed with the Court the alternatives to entering a stay concerning the '215 Patent. The parties indicated a desire to speak with their clients concerning this Court's request for entry of an order dismissing the '215 Patent claims without prejudice. The parties shall contact the Court no later than March 18, 2014 and indicate whether they will agree to the dismissal of these claims without prejudice.

The parties also discussed the option of facilitation during the conference. The Court has determined that this matter would benefit from facilitation in lieu of case evaluation, accordingly

IT IS ORDERED THAT:

1. The Facilitation shall take place in mid-to-late August or anytime during the month of September. Facilitation shall occur no later than September 30, 2014.
2. The following persons shall be present:
  - A. Attorneys in principal charge of the case;
  - B. All the parties of record, which must include representatives from each party **with full settlement authority.**
3. The parties shall be responsible for agreeing on a Facilitator. Once the parties obtain a date for the facilitation, the parties shall submit a stipulated order to the Court identifying the date and time scheduled for the facilitation. The stipulated order is due no later than July 15, 2014.
4. Oral or written statements made for or during facilitation by anyone are inadmissible in any evidentiary proceeding. The facilitator may not be called to testify about the facilitation.

This Court's Order for Case Evaluation [Dkt. No. 48] is hereby RESCINDED.

SO ORDERED.

/s/ Gershwin A. Drain  
GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE

Dated: March 10, 2014

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 10, 2014, by electronic and/or ordinary mail.

/s/ Tanya Bankston  
Deputy Clerk